

**REMARKS**

Claim 1 has been amended to more clearly recite the shape and position of the recessed portions. Specifically, claim 1 has been amended to recite that the recessed portions are positioned longitudinally to the device side surface and have a semi-circular shape in the cross section. Support for amended claim 1 can be found at, for example, Figs. 2 and 3. Entry of this Amendment is respectfully requested, and claims 1-7, 18 and 19 are pending.

**Response to Claim Rejections Under § 112**

(I) Claims 1-7, 18 and 19 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

As noted, claim 1 has been amended to more clearly define the shape and positioning of the recessed portions. Specifically, claim 1 has been amended to recite that the recessed portions are positioned longitudinally to the device side surface and have a semi-circular shape in the cross section. Thus, claim 1, as amended, satisfies all of the requirements of § 112.

Accordingly, withdrawal of the rejection is respectfully requested.

(II) Claims 1-7, 18 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

According to the Examiner, the recitation in claim 1 that “a part of a substrate portion of the device side surface has recessed portions inwardly extended in a side direction of the device,” fails to clarify: (1) what is definitely the direction of the recited “side direction of the device,” given that the device naturally has multiple side surfaces, including at least top and bottom ones, and lateral side ones as well; and/or (2) whether the recited side direction is definitely the direction of the recited “a side surface;” and/or, if it is, then (3) whether the recited “side

direction” refers to a direction that is parallel with or perpendicular to the surface of such “a side surface.”

At page 9, lines 30-36 and page 10, lines 1-2, Applicants disclose that “[t]he device side surfaces referred to in the invention are the side surfaces of the substrate and the side surfaces of the epitaxially grown layers formed on the substrate to constitute an LED, such as the side surfaces of the light-emitting layer. The LED having a triangular shape on a plane has three side surfaces. The LED having a square shape or a rectangular shape on a plane has four side surfaces. The LED having a hexagonal shape on a plane has six side surfaces.”

In addition, At page 10, lines 3-11, Applicants disclose that the compound semiconductor light-emitting device has recessed portions in the side direction of the device in at least a portion of the side surfaces of the substrate in the device side surfaces, wherein the “side direction of the device” stands for a direction of the side constituting the planar shape of the device. Further, Fig. 1 illustrates a plane view of a wafer for producing compound semiconductor light-emitting device.

Thus, Applicants respectfully submit that the scope of claim 1, when read in view of the specification is readily apparent to one of ordinary skill in this field of art. Accordingly, withdrawal of the rejection is respectfully requested.

#### **Response to Claim Rejections Under §§ 102 and 103**

Claims 1-5, 18 and 19, insofar as being in compliance with 35 U.S.C. § 112, were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,924,513 to Akaike.

Claims 6 and 7, insofar as being in compliance with 35 U.S.C. § 112, were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Akaike.

Applicants respectfully traverse.

Akaike discloses that the rough surface 45, 111 is formed by immersing the LED chips 48, 148 into an HCL of HF solution 61, thereby etching all four side surfaces. *See*, col. 6, lines 40 to 44, and col. 11, lines 24 to 27. Thus, the rough surface 45, 111 of Akaike has random recessed portions.

In contrast, the rugged surface of the present invention is formed by dividing the wafer into individual light-emitting devices 1 along the separation zone 2 after perforating many small holes 3 linearly in the wafer along the separation zone 2. *See*, page 10, line 22 to page 11, line 14 of the present specification. Thus, the rugged surface of the present invention has longitudinal recessed portions (as claimed in amended claim 1), and as such, is structurally distinct from that of Akaike.

Accordingly, Akaike fails to anticipate or render obvious the present claims. Withdrawal of the foregoing rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/591,076

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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